

In re) Fair Hearing No. 20,878
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Appeal of)

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit, closing her Vermont Health Access Plan (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with her husband and two children. Petitioner works part-time as a substitute at a daycare center; her wages fluctuate. Petitioner's husband is disabled and receives Social Security Income Disability benefits.¹ Their twenty-year-old daughter is a college student and has health insurance through her university.² This daughter works part-time; her wages fluctuate. Their sixteen-year-old daughter receives dependent benefits through

² College students are required by VHAP regulations to obtain medical insurance through their institutions.

the Social Security Administration and receives health insurance through Dr. Dynasaur.

2. The petitioner received a Notice of Decision from the Department dated April 23, 2007 that the petitioner and her husband were no longer eligible for VHAP as their household was over income.

3. At the fair hearing held on June 29, 2007, the petitioner did not dispute the Department's determination that her household received \$2,749 in unearned income (Social Security benefits). Petitioner had questions regarding the Department's determination that the household received \$1,303.40 in earned income and had a total countable income of \$4,052.40 per month. The VHAP maximum is \$3,184 per month for a four person household.

4. When petitioner completed the review during April 2007, she reported wages of \$364.50 for April. Petitioner reported that her daughter received \$478.56 on March 23, 2007 and that her daughter was paid every two weeks. Both petitioner and her daughter received a \$90 employment disregard. Based on the information in petitioner's review and subtracting the employment disregard, petitioner had countable earned income of \$274.50 and her daughter had countable earned income of \$938.90 for a total of \$1,213.40.

The total monthly household income of \$3,962.40 is over the household monthly maximum of \$3,184.

5. Petitioner was advised to reapply for VHAP if their household income falls below the monthly program maximum of \$3,184.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP program was created to extend health insurance to low income Vermonters. W.A.M. \$ 4000. To be eligible, applicants need to meet the income guidelines for VHAP; applicants with minor children must have countable income below 185 percent of the federal poverty level. W.A.M. \$ 4001.84.

Eligibility for VHAP is based upon countable income of the VHAP group. Based on the regulations, the VHAP group in this case includes petitioner, her spouse, and their two children. W.A.M. 4001.8.

Countable income includes both unearned income such as Social Security Disability and Dependent benefits and earned income. W.A.M. \$ 4001.81. Each household member who earns income is entitled to a monthly \$90 employment disregard.

W.A.M. § 4001.81(e). When income changes are expected to occur, the Department is to base their calculations on current wage information. W.A.M. § 4001.81.

Petitioner completed a review for continuing VHAP eligibility in April 2007. Based upon the income information petitioner supplied, the petitioner's monthly countable income of \$3,962.40 was in excess of the monthly program standard which is \$3,184. P-2420(B). Petitioner can always reapply for VHAP if the household's countable income is below the program maximum. Once the Catamount Health program starts, petitioner may be eligible for this program.

In conclusion, the Department's finding that petitioner is ineligible for VHAP based upon a change in the household's countable income is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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